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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,402	01/21/2004	Tomonori Sekiguchi	HITA.0480	1281
7590	05/18/2004			
Stanley P. Fisher Reed Smith LLP 3110 Fairview Park Drive, Suite 1400 Falls Church, VA 22042-4503			EXAMINER PHAN, TRONG Q	
			ART UNIT 2818	PAPER NUMBER

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/760,402	SEKIGUCHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TRONG PHAN	2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 January 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-9 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0504

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: BL2B, BL2T, BL3T, BL3B, BL510B, MIO255T/B, BL510T, BL511T, BL511B, BLFOB, BLFOT, BLF1T, BSLO and BSL1 in Figs. 1A and 8; PROBABLE RANGE, MCBO, MCB1, WLO, IN, TOTAL, MCBO, MCB1, WLO, NO ENCODING and PRESENT INVENTION WITH ENCODING in Fig. 1B; MN5, MIO1T, MIO1B, REI1B, REI1T, YS1, MIO255T, MIO255B, MIO255T, MIO255B, REI255B, REI255T, YS255, MIOFT, MIOFB, MIONT, MIONB, MN6, BNO and BN1 in Fig. 4; REI254T and REI255B in Fig. 5; all elements in Fig. 6; REGCNTL and FLG in Fig. 7; BLOB, BL2B, BLOT, BL2T, WL1, WL2 and BL1B in Fig. 9B. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to comply with the enablement requirement as follows:

A) it is not understood what the BL2B, BL2T, BL3T, BL3B, BL510B, MIO255T/B, BL510T, BL511T, BL511B, BLFOB, BLFOT, BLF1T, BSLO and BSL1 in Figs. 1A and 8; PROBABLE RANGE, MCBO, MCB1, WLO, IN, TOTAL, MCBO, MCB1, WLO, NO ENCODING and PRESENT INVENTION WITH ENCODING in Fig. 1B; MN5, MIO1T, MIO1B, REI1B, REI1T, YS1, MIO255T, MIO255B, MIO255T, MIO255B, REI255B, REI255T, YS255, MIOFT, MIOFB, MIONT, MIONB, MN6, BNO and BN1 in Fig. 4; REI254T and REI255B in Fig. 5; all elements in Fig. 6; REGCNTL and FLG in Fig. 7; BLOB, BL2B, BLOT, BL2T, WL1, WL2 and BL1B in Fig. 9B really are since they are not described in the specification;

B) the feature as recited in claim 9 is not described in the specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The interconnection of the command decoder is not clearly defined.

#### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,721,194. Although the conflicting claims are not identical, they are not patentably distinct from each other because the memory device as recited in claims 1-20 of U.S. Patent No. 6,721,194, obviously includes the command decoder as recited in claim 7 of the present invention for controlling the operation properly.

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 5-7 and 9 are, insofar as understood, rejected under 35 U.S.C. 103(a) as being unpatentable over Szczepanek, 4,959,811, in view of Williams et al., 6,400,626.

Szczepanek, 4,959,811, discloses in Fig. 1 a memory device comprising:

DRAM array 1;

sense amplifier 4;  
flag shift register 8;  
external controller (not shown, see line 48, column 4) which obviously includes the feature as recited in claim 7 as well known in the art.  
encoder 9 for writing data on bus 2 to sense amplifier 4 based on the data held in flag shift register 8 and CAS signal from external controller.

What is not shown in Szczepanek, 4,959,811, is the feature as recited in claim 6.

Williams et al., 6,400,626, discloses in Fig. 1 a DRAM cell comprising MOSFET 5 and capacitor 3.

It would have been obvious under 35 USC 103(a) to one of ordinary skill in the art at the time of the invention was made to modify Szczepanek, 4,959,811, by Williams et al., 6,400,626, for the purpose of desired choice.

#### ***Allowable Subject Matter***

10. Claims 3-4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka et al., 5,050,126, Chuang et al., 4,928,260, Ichiriu, 6,560,670, Jin et al., 6,480,406, and Waller, 6,597,594.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRONG PHAN whose telephone number is (571) 272-1794. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TRONG PHAN  
PRIMARY EXAMINER